

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.825 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- AURANGABAD

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Chandan Kumar Mehta, son of Nagwat Mehta, resident of Hasanpur, P.S. –
Nabinagar, District – Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise And Prohibition
Department, Government of Bihar, Patna
2. The District Magistrate, Aurangabad.
3. The S.H.O. Barun, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the petitioner and learned
counsel representing the State.

Earlier vide order dated 27.04.2018, this court had
granted time to the State to seek instruction as to the present
position of the confiscation proceeding.

Learned counsel for the State submits that despite
letters sent to the concerned respondents no instruction has been
sent to her till date.

Learned counsel for the petitioner prays for release
of the vehicle in question and submits that the vehicle in



question has not been auctioned sold and confiscation proceeding is still pending. It is submitted that as per allegation that the 500 liters of illicit liquor were found from the vehicle being Bolero Pick Up bearing registration No. JH-03N-3401.

In the facts and circumstances considering that the vehicle is under seizure for the last about 10 months and as per submission of learned counsel for the petitioner she has still not been auction sold, let the vehicle (Bolero), if belongs to the petitioner, be released provisionally within a week on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 5,00,000/- (Five Lakhs only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the Collector cum District Magistrate, Aurangabad in connection with Barun P.S. Case No. 118 of 2017.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the Collector-cum-District Magistrate, Aurangabad, as



and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	15.05.2018
Transmission Date	15.05.2018

